

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CR-258-D
No. 5:11-CV-367-D

RODNEY EARL CANNADY,)
)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)
)


ORDER

On October 22, 2012, the court dismissed Rodney Earl Cannady's ("Cannady") first section 2255 motion [D.E. 57]. On April 22, 2013, the United States Court of Appeals for the Fourth Circuit denied a certificate of appealability [D.E. 66]. On July 18, 2016, the Fourth Circuit denied Cannady's request for authorization to file a second or successive section 2255 motion [D.E. 94]. On September 23, 2016, Cannady filed a second section 2255 motion [D.E. 101]. Thereafter, Cannady filed various other motions [D.E. 103, 106, 108, 109, 110, 111, 114, 115, 117]. On May 3, 2017, the court dismissed Cannady's second 2255 motion for lack of subject-matter jurisdiction as successive and denied Cannady's various other motions. See [D.E. 120]. Cannady did not appeal this court's order. On May 22, 2017, Cannady moved for a hearing [D.E. 122]. On June 16, 2017, Cannady filed a third section 2255 motion [D.E. 123]. On November 22, 2017, Cannady the court denied Cannady's motion for a hearing and dismissed Cannady's third section 2255 motion. See [D.E. 133].

On February 27, 2018, Cannady moved for relief under Federal Rule of Civil Procedure 60(b)(6). In his motion, Cannady alleges ineffective assistance of counsel and seeks relief based on Buck v. Davis, 137 S. Ct. 759 (2017). See [D.E. 136].

The court lacks subject-matter jurisdiction over Cannady's latest motion. Thus, the court DISMISSES as successive Cannady's motion for relief under Rule 60(b)(6) [D.E. 136]. See, e.g., 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205–08 (4th Cir. 2003). The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 28 day of April 2018.



JAMES C. DEVER III
Chief United States District Judge